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Attorneys for Defendant Marks Studios, LLC

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

KONAMI GAMING, INC., a Nevada
corporation,

Plaintiff,

v.

MARKS STUDIOS, LLC d/b/a Gimmie
Games, a Georgia limited liability company,

Defendant.

CASE NO.: 2:14-cv-01485-JAD-CWH

Honorable Jennifer A. Dorsey
Magistrate Judge Carl W. Hoffman

**STIPULATION AND [PROPOSED]
ORDER TO MODIFY SCHEDULING
ORDER
(FOURTH REQUEST)**

Pursuant to Local Rules 6-1 and 26-4. Plaintiff Konami Gaming, Inc. (“Konami” or “Plaintiff”) and Defendant Marks Studios, LLC d/b/a Gimmie Games (“Marks Studios” or “Defendant”) hereby stipulate as follows:

WHEREAS, the parties to this action filed a proposed joint Discovery Plan and Scheduling Order (the “Scheduling Order”) on December 30, 2014, (*Docket no. 24*);

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WHEREAS, the Court so ordered the Scheduling Order on January 27, 2015 (*Docket no. 31*);

WHEREAS, the parties' first request to modify the Scheduling Order was on February 6, 2015 (*Docket No. 35*);

WHEREAS, the Court approved the proposed modification of the Scheduling Order on February 9, 2015 (*Docket No. 37*);

WHEREAS, the parties' second request to modify the Scheduling Order was on May 18, 2015 (*Docket No. 65*);

WHEREAS, the Court approved the proposed modification of the Scheduling Order on May 19, 2015 (*Docket No. 66*);

WHEREAS, the parties' third request to modify the Scheduling Order was on July 23, 2015 (*Docket No. 73*);

WHEREAS, the Court approved the proposed modification of the Scheduling Order on July 29, 2015 (*Docket No. 75*);

WHEREAS, in the interest of judicial economy, the parties have agreed to stipulate to simultaneous exchange of opening and responsive claim construction briefs.

WHEREAS, the parties have agreed to stipulate to a modification of the case schedule, to allow the parties sufficient time to resolve their disputes;

WHEREAS, this is the parties' second request to modify the Scheduling Order;

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel for the named parties hereto, that the schedule in the Scheduling Order will be amended as follows:

Event	Basis	Proposed Date
Simultaneous Opening Claim Construction Briefs Exchange (75 pages)	LR 16.1-16	October 21, 2015
Simultaneous Responsive Claim Construction Brief Exchange (50 pages)	LR 16.1-16	November 6, 2015
Markman Hearing	N/A	To be Set By Court

1 **IT IS FURTHER STIPULATED AND AGREED** that nothing herein affects either
2 party's ability to seek to further modify the case schedule or alters the obligations and
3 requirements included in the Scheduling Order and that this Stipulation is made in good faith and
4 not for the purpose of delay.

5 **IT IS SO STIPULATED THROUGH COUNSEL OF RECORD,**

6 Dated: September 30, 2015

Dated: September 30, 2015

7 By: /s/ Nicholas J. Santoro

By: /s/ Patrick M. McCarthy

8 Nicholas J. Santoro
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21 *Attorneys for Defendant Marks Studios, LLC*

22 **ORDER**

23 **PURSUANT TO THE STIPULATION, IT IS SO ORDERED:**

24
25 Dated: October 1, 2015

26
27 
28 Carl W. Hoffman
United States Magistrate Judge

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